

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

TAE H. CHON,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM DECISION AND
ORDER DENYING PETITIONER'S
52(b) MOTION

Civil Case No. 2:09-CV-654 TS

Criminal Case No. 2:01-CR-487 TS

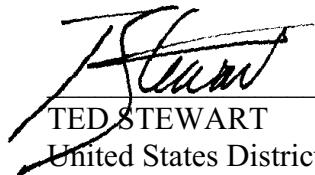
This matter is before the Court on Petitioner's 52(b) Motion. Considering Petitioner's Motion, the Court finds that it constitutes a second or successive petition under 28 U.S.C. § 2255. As such, the Court does not have the jurisdiction to address the merits of the Motion.¹ It is therefore

ORDERED that Petitioner's 52(b) Motion (Docket No. 33 in Case No. 2:09-CV-654 TS and Docket No. 149 in Case No. 2:01-CR-487 TS) is DISMISSED for lack of jurisdiction.

¹*In re Cline*, 531 F.3d 1249, 1251 (10th Cir. 2008) ("A district court does not have jurisdiction to address the merits of a second or successive § 2255 . . . claim until [the appropriate court of appeals] has granted the required authorization.").

DATED October 22, 2012.

BY THE COURT:



TED STEWART
United States District Judge